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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 UNITED STATES OF AMERICA,)	CASE NO. 4:16-70812 MAG
)	
14 Plaintiff,)	CORRECTED STIPULATION AND
)	[PROPOSED] ORDER TO CONTINUE
15 v.)	HEARING AND EXCLUDE TIME UNDER
)	SPEEDY TRIAL ACT AND RULE 5.1 FROM
16 SERGIO MARTINEZ-MAGANA,)	AUGUST 23, 2016 TO SEPTEMBER 21, 2016
)	
17 Defendant.)	
)	
18 _____)	

19
20 **STIPULATION**

21 Defendant Sergio Martinez-Magana is charged by complaint in the above-referenced matter with
22 conspiracy to distribute and to possess with the intent to distribute controlled substances. The
23 government has recently produced the discovery in the matter and the parties have discussed a potential
24 disposition of the case. The defendant hereby requests additional time before the preliminary hearing to
25 allow defense counsel an opportunity to review the discovery and confer with his in-custody client and
26 the government regarding the potential disposition.

27 The preliminary hearing in this matter is presently scheduled on August 23, 2016, and the parties
28 hereby request that it be continued to September 21, 2016. The parties make this request to allow for

STIP. AND [PROPOSED] ORDER RESCHEDULING PRELIMINARY HRG. AND EXCLUDING TIME
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1 reasonable time for the effective preparation of counsel. For all of the reasons stated, the parties believe
2 that good cause exists to exclude and waive time under Federal Rule of Criminal Procedure 5.1(c) and
3 (d) from August 23, 2016 through September 21, 2016, taking into account the public interest in the
4 prompt disposition of a criminal case and the defendant's consent, and to exclude time under the Speedy
5 Trial Act. 18 U.S.C. § 3161.

6 IT IS SO STIPULATED.

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8 DATED: August 18, 2016

Respectfully submitted,
BRIAN J. STRETCH
United States Attorney

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11 /s/
LLOYD FARNHAM
Assistant United States Attorney


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13 /s/
ANTHONY LOWENSTEIN
Counsel for Sergio MARTINEZ-MAGANA

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15
16 **[PROPOSED] ORDER**

17 For the reasons stated by the parties, the Court finds that the aforementioned request is supported
18 by good cause and made with the consent of Defendants. Fed. R. Crim. Proc. 5.1(c) and (d). The Court
19 therefore finds that an exclusion of time between August 23, 2016 through September 21, 2016, is
20 merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and the Speedy Trial Act under
21 18 U.S.C. § 3161 and moves the date of the preliminary hearing to September 21, 2016.

22 IT IS SO ORDERED.

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25 DATED: August 22, 2016


HON. KANDIS A. WESTMORE
United States Magistrate Judge